IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO. 460 OF 2006

Smt.Mangal Prakash Salunkhe. ... Applicant.

V/s.

Deepak Manik Gaikwad
and others. ... Respondents.

V.V.Purwant for the applicant.

M.H.Mhatre, APP for the State.

R.S.Alange for respondent Nos.1 to 4.

CORAM: V.C.DAGA, J.

DATED: 13th August 2007.

P.C.:

. Heard learned counsel for the applicant, learned counsel for respondent Nos.1 to 4 and learned A.P.P. for the State.

. Perused revision application.

2. This revision application is directed against the judgment and order dated 21st August, 2006 passed in Session Case No.289/2005 whereby the learned Ad-hoc Addl. Sessions Judge, Solapur was pleased to acquit the accused of the offences punishable under sections 498-A and 306 read with section 34 of Indian Penal Code.

3. I have gone through the evidence, judgment and the findings recorded therein. The entire case of the applicant revolves around the appreciation of evidence of witnesses which the trial Court has rightly appreciated.

4. In my opinion, on proper appreciation of evidence acquittal of the accused is recorded by the trial Court. In the case of **C.P.Fernandes v. Union territory of Goa, Daman & Diu**, AIR 1977 SC 135, the Apex Court has ruled that the Court should not interfere with the trial Court view unless found to be unreasonable or perverse. If two views are possible on the basis of evidence on record, the higher Court should not disturb the findings of the trial Court is the settled law (see **Varghese Thomas v. State of Kerala**, 1977 SC 701).

5. This Court not being a Court of appeal cannot substitute its view in exercise of revisional jurisdiction. Revisional jurisdiction is not only limited in scope but also is discretionary. The Court interferes in the revisional jurisdiction only in exceptional cases of flagrant miscarriage of justice as held by Apex Court in the case of **State of Rajasthan v. Gurucharandas Chaddha, AIR 1979 SC 1895.**

6. Having examined the legal position, no fault can be found either with the appreciation of evidence or with the view taken. The view taken by the trial Court is a reasonable and possible view in the facts and circumstances of the case which can be supported on the basis of evidence on record. No perversity or unreasonable approach on the part of the trial Court could be pointed out by the applicant.

7. In the above view of the matter, no case is made out to entertain this revision application. The same is dismissed with no order as to costs.

JUDGE